

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

MATTHEW FOY,  
Plaintiff,  
v.  
STATE OF ALASKA,  
DEPARTMENT OF  
CORRECTIONS, *et al.*,  
Defendants.

Case No. 3:23-cv-00039-SLG-KFR

**ORDER RE REPORT AND RECOMMENDATION**

On February 23, 2023, Plaintiff Matthew Foy filed a Complaint pursuant to 42 U.S.C. § 1983 (“Complaint”). The matter was referred to the Honorable Magistrate Judge Kyle Reardon. At Docket 9, Judge Reardon issued a Screening Order Dismissing Complaint with Leave to Amend. Judge Reardon directed Plaintiff to file either an Amended Complaint or a Notice of Voluntary Dismissal. At Docket 17 Judge Reardon issued his Report and Recommendation, in which he recommended that this action be dismissed because Plaintiff Foy has not filed an Amended Complaint or a Notice of Voluntary Dismissal. He also recommended that any pending motions be denied as moot. No objections to the Report and Recommendation were filed.

The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1). That statute provides that a district court “may accept, reject, or modify, in whole or in

part, the findings or recommendations made by the magistrate judge.”<sup>1</sup> A court is to “make a *de novo* determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made.”<sup>2</sup> However, § 636(b)(1) does not “require district court review of a magistrate’s factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings.”<sup>3</sup>

The magistrate judge recommended that the Court dismiss this action without prejudice and that any pending motions be denied as moot. The Court has reviewed the Report and Recommendation and agrees with its analysis. Accordingly, the Court adopts the Report and Recommendation, and IT IS ORDERED that this action is DISMISSED without prejudice. Any pending motions are DENIED as moot. The Clerk of Court shall issue a final judgment.

DATED this 11th day of April 2024, at Anchorage, Alaska.

/s/ Sharon L. Gleason  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> 28 U.S.C. § 636(b)(1).

<sup>2</sup> *Id.*

<sup>3</sup> *Thomas v. Arn*, 474 U.S. 140, 150 (1985); *see also United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).